

## Message Text

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ACTION EUR-25

INFO OCT-01 ISO-00 SCS-03 PPT-02 SCA-01 L-03 NSC-07

CIAE-00 DODE-00 INR-11 NSAE-00 PA-04 RSC-01 USIA-15

PRS-01 SP-03 NIC-01 SAJ-01 SY-04 DRC-01 PM-07 /091 W

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R 021415Z AUG 74

FM AMEMBASSY BELGRADE

TO SECSTATE WASHDC 116

INFO AMCONSUL ZAGREB

UNCLAS BELGRADE 3835

E.O. 11652: N/A

TAGS: CGEN, YO

SUBJ: CONSULAR ACCESS TO DUAL NATIONALS

REF : BELGRADE 3834

1. FOLLOWING IS TEXT OF PRO MEMORIA GIVEN TO AMBASSADOR  
ON AUGUST 1 BY FSFA ASSISTANT SECRETARY PETROVIC:

2. "IT IS A PRINCIPLE OF INTERNATIONAL LAW, REAFFIRMED ALSO  
IN ARTICLE 4 OF THE HAGUE CONVENTION ON CERTAIN QUESTIONS  
RELATING TO THE CONFLICT OF NATIONALITY LAWS OF 12 APRIL 1950,  
THAT A STATE MAY NOT AFFORD DIPLOMATIC PROTECTION TO ONE OF ITS  
NATIONALS AGAINST A STATE WHOSE NATIONALITY SUCH PERSON  
ALSO POSSESSES.

3. ACQUISITION OF NATIONALITY OF ANOTHER COUNTRY BY A  
PERSON WHOSE YUGOSLAV CITIZENSHIP HAS NOT CEASED IS  
QUITE IRRELEVANT FROM THE POINT OF VIEW OF YUGOSLAV LAW AND,  
IN ITSELF, IT CANNOT AFFECT THE PERSON'S RIGHTS AND OBLIGATIONS.  
THEREFORE, THE RECOGNITION OF SOME SPECIAL RIGHTS (SPECIFICALLY,  
THE RIGHT TO ENJOY THE DIPLOMATIC AND/OR CONSULAR PROTECTION OF  
OTHER STATE), TO SUCH A PERSON OR THE RECOGNITION OF SOME RIGHTS  
TO A FOREIGN DIPLOMATIC OR CONSULAR MISSION REGARDING SUCH  
PERSON (SPECIFICALLY, THAT THEY BE INFORMED ON COURT OR OTHER  
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PROCEEDINGS AGAINST SUCH CITIZEN AND TO OFFER HIM DIPLOMATIC

PROTECTION), BY VIRTUE OF AN INTERNATIONAL AGREEMENT WOULD BE CONTRARY TO THE CONSTITUTIONAL PRINCIPLE OF THE EQUALITY OF YUGOSLAV CITIZENS BEFORE THE LAW AND FOR THIS VERY REASON CANNOT BE TAKEN INTO CONSIDERATION.

4. HOWEVER, SUCH JURIDICAL SITUATION NOTWITHSTANDING, THE COMPETENT YUGOSLAV AUTHORITIES ARE WILLING, IN PRACTICE, IN CASES WHEN CRIMINAL PROCEEDINGS HAVE BEEN INSTITUTED - WITHIN THE LIMITS OF THEIR LEGAL COMPETENCES AND POSSIBILITIES - TO TAKE INTO ACCOUNT THE FACT THAT SUCH PERSON, IN ADDITION TO HIS YUGOSLAV NATIONALITY POSSESSES ALSO THE NATIONALITY OF ANOTHER FOREIGN STATE AND THE SPECIAL CIRCUMSTANCES WHICH ENSUE THEREFROM, AND THEY WILL THEREFORE, ASSUMING RECIPROCITY, IN CASES WHEN SUCH PERSONS ARE DEPRIVED OF LIBERTY, AND IF IN THE OPINION OF THE YUGOSLAV AUTHORITIES THIS WOULD NOT INTERFERE WITH THE INTERESTS OF INVESTIGATION OR WITH OTHER IMPORTANT PUBLIC INTERESTS, AND THE PERSON DOES NOT EXPRESS A WISH TO THE CONTRARY, INFORM THEREOF THE APPROPRIATE CONSULAR OFFICER OF THE OTHER STATE AND, IF THE SAID PERSON SO DESIRES, PERMIT SUCH CONTACT WITH HIM UNDER THE CONDITIONS AND WITHIN THE LIMITS OF YUGOSLAV REGULATIONS.

5. IN PRINCIPLE, NEITHER SUCH INFORMATION WILL BE GIVEN, NOR CONTACT ALLOWED IN CASES OF A CRIMINAL ACT THE MOTIVES OF WHICH ARE CLOSELY LINKED WITH THE YUGOSLAV NATIONALITY OF THE PERPETRATOR.

6. APPLICATIONS FOR THE PERMISSION OF CONTACTS SHOULD BE SUBMITTED THROUGH THE FEDERAL SECRETARIAT FOR FOREIGN AFFAIRS OF THE SFR OF YUGOSLAVIA, WHICH WILL FORWARD THEM TO THE COMPETENT AUTHORITIES."

7. ORIGINAL BEING FORWARDED TO DEPARTMENT FOR PERMANENT RETENTION.  
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